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2814



Docket No.: 213672US2

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

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RE: Application Serial No.: 09/955,080

Applicants: Kenji YAMAGUCHI, et al.

Filing Date: September 19, 2001

For: SEMICONDUCTOR DEVICE EVALUATION
METHOD AND APPARATUS, SEMICONDUCTOR
DEVICE MANUFACTURING CONTROL METHOD,
SEMICONDUCTOR DEVICE MANUFACTURING
METHOD, AND RECORDING MEDIUM

Group Art Unit: 2814

Examiner: M. PIZARRO CRESPO

SIR:

Attached hereto for filing are the following papers:

PROVISIONAL ELECTION OF SPECIES

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

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DOCKET NO: 213672US2

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
KENJI YAMAGUCHI ET AL. : EXAMINER: M. D. PIZARRO CRESPO
SERIAL NO: 09/955,080 :
FILED: SEPTEMBER 19, 2001 : GROUP ART UNIT: 2814
FOR: SEMICONDUCTOR DEVICE :
EVALUATION METHOD AND
APPARATUS, SEMICONDUCTOR
DEVICE MANUFACTURING CONTROL
METHOD, SEMICONDUCTOR DEVICE
MANUFACTURING METHOD, AND
RECORDING MEDIUM

PROVISIONAL ELECTION OF SPECIES

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the election of species requirement dated March 11, 2004, Applicants provisionally elect, with traverse, species 1 of Fig. 6, and identify Claims 7-11 as corresponding to the elected species. Applicants reserve the right to file one or more divisional applications directed to the non-elected species.

Applicants respectfully traverse the election requirement.

MPEP § 803 states:

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Application No.: 09/955,080
Reply to the Office Action of March 11, 2004

Although the outstanding Official Action does not identify search classifications, it is believed that the field of search for the various species is overlapping, and that the claims of the present application would have to be searched in only a handful of sub-classes. Furthermore, since electronic searching is commonly performed, a search may be made of a large number of, or theoretically all, subclasses without substantial additional effort. Accordingly, Applicants also respectfully traverse the outstanding election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, examination on the merits of each of Claims 1-20 is believed to be in order and is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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